Evidence of Democracy?
The Relationship between Evidence-Based Policy and Democratic Government

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ABSTRACT *The preceding decade has witnessed the production of a substantial volume of scholarship dedicated to exploring the concept of* evidence-based policy – *the idea that 'at the heart' of properly developed public policy is 'the best available evidence'. Concomitantly, 'evidence' has secured a pride of place (at least, rhetorically) among policy-makers, who will often refer to the conclusions of 'the best available evidence' when seeking to justify particular decisions. However, a number of additional considerations have been identified as desirably or otherwise influencing policy-makers' decisions, including fiscal and time constraints, personal experience, societal values, and short-term/long-term political strategy, to name a few. Indeed, arguably, policy-makers in contemporary democratic polities have no choice but to incorporate such considerations into their decision-making if they genuinely wish to produce a policy proposal that is both politically and publicly viable. Does such a situation problematically impede the meaningful realization of evidence-based policy? This essay offers some preliminary observations concerning certain tensions between the idea of evidence-based policy and the practice of democracy and assesses the degree to which those tensions might and should be resolved.*

The preceding decade has witnessed the production of a substantial volume of scholarship dedicated to exploring the concept of *evidence-based policy*[1] – the idea that 'at the heart' of properly developed public policy is 'the best available evidence' (Davies 1999).[2] Among the numerous questions that have been examined are

- what precisely is meant by 'evidence-based policy'?
- is evidence-based policy a realistic goal?
- what are the existing cultural and institutional impediments to the realization of evidence-based policy?
- what mechanisms are necessary for evidence-based policy to be effective?
- what are the limits of evidence-based policy – to what extent is it meaningfully possible to 'speak knowledge to power'?

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[1] I employ the term *evidence-based policy* recognizing that, with the passage of time and the evolution of the related debate and scholarship, many have abandoned that term in favour of what are generally understood to be more accurate descriptors such as evidence-*informed* or evidence-*influenced* or evidence-*aware* policy. However, the term *evidence-based policy* has not yet completely disappeared, though its current use tends to refer to a less rigid and less demanding criterion, one that does not require that (research) evidence be the sole determinant of policy direction. For example, see Campbell et al. 2007, Clements 2004, and Abelson and Gauvin 2006.

[2] I am using the release of the *Modernising government* White Paper (Cabinet Office 1999a) as the signal moment (a not uncommon approach), though, the topic of evidence-based policy was certainly engaged – to varying degrees and in different ways – in texts published prior to *Modernising government*. For example, one can easily locate in Aristotle's *Politics* (350 BC) arguments supporting evidence-based policy-making.

A topic that has yet to be substantively investigated is that of the relationship between the concept of evidence-based policy (EBP) and the practice of democracy.[3]

Of course, the relationship between democracy and the *policy sciences* has previously been the focus of what is now a quite famous examination by Harold Lasswell (e.g., Lasswell 1951, 1971). Essentially, Lasswell sought to explain how a properly organized policy development process could be used 'to *improve* the practice of democracy' (Lasswell 1951: 15; emphasis added). The principal purpose of this study, however, is to determine whether there exist any inescapable democratic constraints on efforts to realize EBP. Stated more generally and simplistically, while Lasswell's project is concerned with identifying ways in which the policy development process can be used to *transform* the practice of democracy productively, the goal of this undertaking is to demonstrate the need to *protect* democracy against potentially *un*democratic aspects of the policy development process.[4] Though the latter project may also indirectly suggest the need to transform the policy development process in order to protect (i.e., 'improve') the practice of democracy, its purpose is not to identify the means by which to effect such a transformation. Hence, though there are certainly areas of complementary overlap between the two projects, their respective objectives differ notably.

The proposed analysis of the relationship between the idea of EBP and the practice of democracy will unfold in the following manner. First, the emergence and evolution of the concept of EBP will be surveyed. Second, the idea of democracy/democratic government will be briefly explored. Finally, some of the ways in which the contemporary practice of democracy might critically impede attempts to realize EBP will be identified and the prospects for, and desirability of, eliminating or minimizing those impediments will be considered. The hope is that the proceeding examination will contribute to a greater recognition of the democratic *legitimacy* of certain oft-cited and lamented obstacles to the realization of EBP and, in so doing, stimulate a more tempered expectation regarding the likelihood and appropriateness of realizing EBP in anything other than a *very* modest and fluid way in contemporary democratic polities.

The Concept of Evidence-Based Policy (EBP)

The activity of policy-making is as old as human society; and, just as human society has evolved in important ways, so, too, has the practice of policy-making. Among the more noteworthy developments for both society and policy-making were the emergence of

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[3] That is not to suggest that the relationship between the project of EBP and the practice of democracy has not previously been explored in any meaningful sense. For example, see Parsons 2001; and Pielke 2007 (esp. pp. 8-21).

[4] I recognize that it might be argued that, insofar as Lasswell was interested in 'improv[ing] the practice of democracy', he was necessarily also concerned with *protecting* democracy (as he understood it). Unfortunately, constraints of space do not allow me to herein substantively explain the precise character and importance of the differences between Lasswell's 'protectionist' concerns and those that are the focus of this examination. However, in essence, whereas the democracy that Lasswell seeks to protect has yet to be realized, I am concerned with protecting democracy as it currently exists (which is not to suggest that the latter is preferable to the former).

liberalism – both as a philosophical *and* a political project – and the 'inexorable process of democratization that stirred in the seventeenth century and gathered speed in the eighteenth and nineteenth centuries in Europe and America' (Spragens 2008: 86). With the articulation and expanding embrace of the principles of liberty and equality (among others), policy-makers were increasingly forced to consider a wide range of issues that may previously have been of little (if any) significance in determining public policy. If, as liberals argue(d), all people should be considered free and equal, then, by extension, no person can legitimately be placed under the authority of anyone else without first voluntarily consenting to such an arrangement (e.g., Hobbes 1968[1651/1668], Spinoza 2001[1670], Locke 1988[1698], Mill 1998[1869], and, much more recently, Rawls 2001).[5] In turn, if the legitimacy – and, subsequently, survival – of a government is a measure of its voluntary acceptance by those subject to its rule, then those responsible for producing public policy need to be concerned about the likely response of the citizenry to government initiatives. The importance of that caveat increases drastically for policy-makers (i.e., elected politicians[6]) working within a (genuinely) democratic system of governance.[7]

The challenges created by the aforementioned developments were subsequently exacerbated by advances in science and technology. The generation of new scientific knowledge and the development of new technology(ies) – especially in the nineteenth and twentieth centuries – increased not only the number and variety of potential policy issues, but also the ability to produce 'evidence' related to the issues under consideration and, consequently, the opportunity for policy-makers and the public to request 'evidence' to support the policy decision-making process. That phenomenon continues to characterize and (further) complicate the public policy development process in contemporary liberal democracies (e.g., Pielke 2007). Concomitantly, 'evidence' has now secured a pride of place (at least, rhetorically) within the realm of policy-making: The extent to which a given policy decision is deemed 'sound' and publicly defensible (i.e., acceptable) is often a measure of the degree to which it is believed to be 'scientific' and 'rational' in character (e.g., Neylan 2008; Mulgan 2005; Parsons 2002; Harries et al. 1999: 32; Martens and Roos 2005: 82; Pielke 2007; and Lasswell 1971: 37); typically, it

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[5] Unsurprisingly, the question of what constitutes 'consent' has been the subject of significant debate. For instance, Thomas Hobbes could reasonably be construed as accepting as legitimate a coerced form of 'voluntary' consent (i.e., agreement secured via threat and fear [e.g., Newey 2007: 87-103]). Alternatively, John Locke (1988[1698]: Bk. II, chp. VIII, secs. 119-22) distinguishes between 'explicit' and 'tacit' consent – the latter being effected merely by the use of public property (e.g., walking along a road in the polity in which one lives) – and argues that both are satisfactory examples of voluntary consent.

[6] I have suggested that 'policy-makers' and 'elected politicians' are synonymous because, though there are certainly non-politicians involved in the development of public policy, in a democracy it is the elected members of government who possess the ultimate decision-making authority with respect to matters of public policy – i.e., only they can legally establish *public* policy (which is not to deny that ultimate sovereignty resides with 'the people').

[7] The adjective 'genuinely' has been included in order to acknowledge that there have existed many self-proclaimed 'democracies' in which the 'elected' politicians have not had any cause to be more fearful of public reaction to 'questionable' government initiatives than their counterparts in undemocratic regimes. For a useful (brief) commentary on the (mis)application of the label 'democratic', see Warren 2002 (pp. 677-78).

is assumed to embody those qualities insofar as it reflects the conclusions of 'the best available evidence' (e.g., Marston and Watts 2003; Mulgan 2005; Tilley and Laycock 2000; and Blunkett 2000). Though policy-makers' concern with evidence is certainly not a new phenomenon,[8] it cannot be denied that 'the scale of the current interest is impressive' (Clarence 2002: 2; similarly, see Evans 2007: 135; and Nutley et al. 2003: 143).[9]

The ascendancy of 'evidence' in the realm of policy-making manifests itself most prominently in the increasing volume of scholarship devoted to exploring the concept of EBP. Arguably, the present fascination with EBP was precipitated by the contemporary interest in *evidence-based medicine* (EBM), which has been defined as 'the conscientious, explicit, and judicious use of current best evidence in making decisions about the care of individual patients' (Sackett et al. 1996).[10] The perceived success and value of EBM stimulated an increasingly widespread interest in applying its fundamental principles to other fields and, indeed, to the realm of policy development in general. In turn, researchers in fields such as education, criminal justice, social care, transportation, and urban renewal began to pursue projects that adopted the approach of EBM in order to produce EBP. However, as Nick Black (2001: 277) has noted, EBP is 'not simply an extension of EBM: it is qualitatively different'. For example, the practice of EBP targets entire populations, as opposed to the 'individual' (i.e., patient) focus of EBM, and the decisions associated with the former are generally 'subject to greater public scrutiny' (Dobrow, Goel, and Upshur 2004: 208).

It relatively quickly became apparent that, once one broadens the scope of application beyond the realm of clinical medical practice, there are various potential difficulties associated with relying upon 'evidence' to justify the adoption of a particular policy position. Among the more prominent challenges is the lack of consensus regarding the precise character of what can legitimately be labelled 'evidence' (e.g., Nutley 2003; Marston and Watts 2003; Sempik et al. 2007; Boaz and Ashby 2003; Dobrow, Goel, and Upshur 2004; Head 2008; Glasby et al. 2007; Nutley et al. 2007; Boaz et al. 2008: 247; Fafard 2008; Coote et al. 2004; and Wells 2007). As observed by Sandra Nutley and colleagues, ' "What counts as evidence" … involves not just technical objective judgements but also subjective and contextualised assessments'; 'evidence' is a 'privileged' term 'that reflect[s] the perceptions, priorities and power of those who use [it]' (e.g., Nutley et al. 2007: 25). Unsurprisingly, then, different individuals will accept

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[8] It has been suggested that the current fascination and engagement with the idea of EBP represents not 'a new chapter in public policy, so much as "déjà vu all over again" ' (Parsons 2002: 57).

[9] That is not to claim that such interest necessarily presents itself in any significant way other than in the rhetoric employed by policy-makers. Which is to say, though policy-makers may publicly affirm the belief that 'evidence' should be *the* principal consideration in policy decision-making, such proclamations provide no guarantee that the decision-making process will reflect that belief.

[10] Though the term 'evidence-based medicine' is believed to have first appeared in 1992 in an article published in the *Journal of the American Medical Association*, in which EBM is described as a '[n]ew paradigm for medical practice' (Guyatt, Cairns, Churchill, et al. [1992]: 2420), use of the fundamental principles animating EBM has a lengthy history (perhaps millennia in duration). Sackett et al. (1996) have suggested that EBM is neither 'old hat' nor 'a dangerous innovation' (i.e., something so new that it is impossible for it to be widely practiced properly); though its origins are 'ancient', it 'remains a relatively young discipline whose positive impacts are just beginning to be validated' (Sackett et al. 1996: 72).

different kinds of information as constituting valid, useful 'evidence'.[11] That fact has resulted in the categorization of various types of evidence – scientific (e.g., information produced via randomized control trials and other 'controlled' experiments), experiential, and anecdotal, to name a few[12]– and has served to further complicate matters.

Additionally, even if, for the sake of argument, one were to presume the presence of an overlapping consensus[13] on a meaningful, useful definition of 'evidence', a substantial problem remains: namely, many of the most complex and controversial issues are ones for which there has not yet been the opportunity to produce or collect the volume of evidence required to offer meaningful assistance to decision-makers (e.g., Mulgan 2005; Saunders 2005; Davies 2004: 4; Coote et al. 2004: 11).[14] In the absence of a conclusive consensus regarding the precise character of 'evidence', and/or lacking a sufficient volume of generally accepted evidence, how are policy-makers reasonably to use evidence to help determine the most appropriate response to a policy dilemma?[15]

Various scholars have noted a number of different considerations that – in addition to 'the best available evidence' – desirably or otherwise influence policy-makers' decisions concerning which course of action to pursue. Such influences include organizational or societal values, fiscal and time constraints, personal experience, political context, and short-term/long-term political strategy, to name a few (e.g., Saunders 2005: 385; Klein 2003; Davies et al. 2000; Wright et al. 2007; Nutley et al. 2007; Harries et al. 1999: 32-3; Feldman et al. 2001; Boaz et al. 2008; Shimkhada et al. 2008; and Hasman, Mcintosh, and Hope 2008). Though many advocates of EBP lament the involvement of such influences, few would seriously suggest that it could ever be completely prevented. For those who accept the ineliminable presence and interference of

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[11] Such a situation generates a number of related questions, including: Who decides what constitutes 'valid' evidence?, and '[s]hould 'certain types of evidence … be treated as more legitimate than others?' (Glasby et al. 2007: 325; see also Lomas et al. 2005).

[12] Rudolph Klein (2000) has proposed the following taxonomy:
   i.   *Research Evidence*: information produced by scientists, in accordance with accepted research methodologies.
   ii. *Organizational Evidence*: information about an organization's capacity to complete the tasks being approached.
   iii. *Political Evidence*: includes information about how the public, politicians, and other players will react to policies under consideration, helping or hindering the success of the policy decision.

[13] Simply put, an overlapping consensus is a voluntary and stable agreement among the adherents of the various belief systems that are *likely* to survive in a *just* modern constitutional democracy (Rawls 1996: 15; see also Rawls 2001: 32). An overlapping consensus on a definition of 'evidence' means that, despite the inevitable presence of a plurality of often conflicting and irreconcilable worldviews, a substantial majority of citizens are able to agree on a single definition to be used when developing public policy.

[14] That challenge is accompanied by questions such as '[h]ow much evidence does there need to be before … [one] can confidently develop and roll out a particular policy?', and '[w]hat happens when the evidence is fragmented or even contradictory?' (Glasby et al. 2007: 325; see also Lomas et al. 2005).

[15] That is not to suggest that such difficulties are completely absent within the realm of EBM; indeed, the lack of a sufficient volume of relevant/useful evidence is a potential challenge that is universal in its scope. However, to the extent that proponents of EBM disagree about the character of 'evidence', those disagreements typically concern assessments of the *quality* of evidence, as opposed to what constitutes evidence.

such non-evidentiary interlopers, one of the principal questions becomes: To what extent should such considerations be legitimately allowed to undermine the *primacy* of evidence?[16] In an important sense, the answer to that question will be significantly influenced by the type of governance regime employed in the polity under examination; and in no type of regime will such considerations have a greater impact than in a democracy. Indeed, arguably, policy-makers in democratic polities have no choice but to incorporate such considerations into their decision-making if they sincerely wish to produce a policy proposal that is both politically and publicly viable. To understand why that is so, it is necessary to review the fundamental principles animating the contemporary practice of democratic government.

Democracy

The word 'democracy' is a synthesis of the Greek words *demos*, meaning 'the people' or 'the many', and *kratos*, meaning 'rule' or 'power'. For millennia the idea and practice of democracy have captured the attention of scholars, politicians, activists, and revolutionaries and served as the focus for a lively and often intense debate regarding the specific character of a 'genuinely' democratic polity.[17] Indeed, 'Nearly everything written on the history of political ideas either touches on democracy or is relevant to it, and similarly the vast number of general books on types of political institutions' (Crick 2002: 121). Unsurprisingly, then, a number of different conceptions of democracy have emerged, including *direct*, *representative*, *aggregative*, *competitive*, *deliberative*, *elite*, *associative*, *social*, *egalitarian*, and *transnational* – to name a few[18]– each concerned to varying degrees with issues such as citizenship, minority and group rights, civic engagement, self-determination, nationalism and, most importantly, equality.

Though it is now often taken for granted that a democratic form of government is superior and, subsequently, preferable to all others (e.g., Deneen 2005; Shapiro 2005; Sin, Dalton, and Jou 2007; Inglehart 2003; Sen 1999; and Dahl 1998[19]), such has not always been the case. Indeed, a number of the most renowned students of political science have been less than celebratory in their comments about democracy. For

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[16] Though the idea that evidence should be the *sole* determinant of policy direction may no longer command the support it once did – as is evident by the appearance and increasingly widespread use of terms such as evidence-*informed* and evidence-*aware* policy – I believe it continues to be true that many remain committed to the idea that evidence should always be the *primary* consideration.

[17] Robert Dahl has noted that '[d]emocracy has been discussed off and on for about twenty-five hundred years' (1998: 2; see also 3, 7).

[18] In 2002 Bernard Crick observed that '[n]early every regime today claims to be democratic'. In turn, he opined that '[n]o political concept is more used, and misused, than that of democracy' (Crick 2002; similarly, see Dahl 1998: 37, 100; Christiano 2008; and Posner 2003: 130).

[19] The *Universal Declaration on Democracy* identifies democracy as 'a universally recognised ideal as well as a goal, which is based on common values shared by peoples throughout the world community irrespective of cultural, political, social and economic differences. It is thus a basic right of citizenship to be exercised under conditions of freedom, equality, transparency and responsibility, with due respect for the plurality of views, and in the interest of the polity' (Inter-Parliamentary Union 1997).

example, both Plato and Aristotle considered democracy an inferior form of government – essentially, rule by the (unqualified and/or inferior) many in their own interests (e.g., Plato 1992[380BC]: Book VI; Aristotle 1998[350BC]: Bk. IV[20]). Thomas Hobbes believed democracy a problematic form of government insofar as it provides the greatest opportunity for dissension among the 'rulers', which, in turn, leads to political instability and, subsequently, the destruction of the polity (Hobbes 1968[1651/1668]: chp. XIX). Among the more prominent contemporary ideological opponents of democracy are fascism and theocracy. As was observed by C.B. Macpherson, until the latter half of the nineteenth century, 'pretty nearly all men of intelligence' considered 'democracy, in its original sense of rule by the people or government in accordance with the will of the bulk of the people, … [to] be a bad thing – fatal to individual freedom and to all the graces of civilized living' (Macpherson 1965: 1). In terms of the practice of democracy, even if one employs a very general, relatively undemanding definition, it is only in the twentieth century that a democratic form of government is established and maintained in a noteworthy number of countries (e.g., Dahl 1998: 8, 44; Warren 2002: 677).[21]

The above comments help to demonstrate that the widespread support for the idea and practice of democracy is a relatively recent phenomenon (e.g., Dahl 1998). And, just as there have been differences in terms of the perceived attractiveness of democracy, there are also numerous significant divergences between the different conceptions of democracy that have been articulated across the millennia. Nevertheless, it does not seem unreasonable to suggest that all conceptions embrace certain fundamental principles – at least at the abstract level (though, not all assert that said principles have a beneficial effect). According to Patrick Deneen (2005: 1), 'a belief in universal human suffrage, political equality, economic and personal liberty, and inherent human dignity' are features 'shared … [by] various schools of democratic thought'. Arguably, the belief in *political equality* (in some sense) is *the* foundational element of all conceptions of democracy: It is required both to stimulate and sustain democratic government and, according to the champions of democracy, to realize the full benefits of such a political system (e.g., Dahl 1998, esp. 37-38, 62-80; Dahl 2006; see also Macpherson 1965: 47).

Typically, democratic political equality manifest itself conceptually in the form of an assertion that every citizen should have an equal right to be involved in shaping the terms of political association under which s/he lives (e.g., Christiano 2008).[22] In other

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[20] Admittedly, this rendering of the principal criticism offered by Plato and Aristotle is very simplistic and, consequently, fails to note important differences between the arguments of the two. Furthermore, though Aristotle did not consider it to be the ideal form government, there is debate regarding the degree to which he was critical of democracy. According to Crick (2002: 1), for example, Aristotle believed democracy to be 'a necessary condition for good government, … [but] far from a sufficient condition'.

[21] As Mark Warren has noted, 'If … we define democracies as "political systems whose leaders are elected in competitive multi-party and multi-candidate processes in which opposition parties have a legitimate chance of attaining power or participating in power", *and* that have a universal franchise, there were *no* democracies in 1900. Only 22 of the 154 countries existing in 1950 were democracies, encompassing 31 percent of the world's population' (Warren 2002: 677; emphases in original).

[22] Of course, there are many 'citizens' of contemporary democracies who are ineligible to vote in state elections because they have not yet reached the necessary 'age of license'. However, that does not mean that it is considered acceptable or morally legitimate to disregard the concerns of such citizens. Indeed,

words, every citizen should have an equal right to try to influence the character and content of public policy. Of course, there are a variety of ways in which one could interpret the demands of such a broadly and abstractly stated criterion. For example, it might be suggested that an 'equal right' does not necessarily entail an equal *influence*; rather, those of greater 'virtue' or possessing superior intelligence should and legitimately can be provided with the means for greater political influence, via multiple votes, for instance (e.g., Mill [1998(1861)]).[23] An alternative interpretation offered by those who some have labelled *egalitarian* democrats asserts that effectively providing an 'equal right' necessitates that all citizens be assured similar 'formal' (i.e., legal) *and* 'substantive' (i.e., material) means to capitalize on that right (e.g., Brighouse 2001; Christiano 2002).

The demands understood to be associated with political equality are often influenced by the *type* of democracy being considered. Though the *direct* form of democracy, in which every citizen directly registers a vote of equal value on all public policy proposals, is considered by many to best capture the democratic 'ideal', the size of most contemporary nations and the complexity of governing them is generally believed to render some model of *representative* democracy the only viable option (though, not all accept that conclusion). In its most basic sense, *representative* government denotes a political system in which citizens transfer their authority to govern themselves directly to fellow citizens (i.e., *representatives*) whom they choose/elect to perform that task. According to Mill (1998[1861]: 269), a representative democracy is a governance system in which 'the whole people, or some numerous portion of them, exercise through deputies periodically elected by themselves, the ultimate controlling power, which, in every constitution, must reside somewhere'.

A number of different models of representation have been identified. Most frequently cited are the following three (idealized) types of representative:

1. *Delegate*: Acts according to the directions of his/her constituents.

2. *Trustee*: Guided by his/her beliefs regarding what is in the best interest of his/her constituents, regardless of whether their expressed wishes correspond to those beliefs.

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there is an increasing volume of scholarship that examines the issue of the rights of minors/children. See, for example, Archard and Macleod 2002.

[23] I am, of course, referring to John Stuart Mill's argument that, in a democracy with 'universal' suffrage, it is both legitimate and desirable to allow those with greater intelligence and/or virtue to possess greater political influence than others (e.g., Mill 1998[1861]: 334-41). Mill states: 'If with equal virtue, one is superior to the other in knowledge and intelligence – or if with equal intelligence, one excels the other in virtue – the opinion, the judgement, of the higher moral or intellectual being, is worth more than that of the inferior' (Mill 1998[1861]: 334). In turn, though '[e]very one has a right to feel insulted by being made a nobody, and stamped as of no account at all … [n]o one but a fool, and only a fool of a peculiar description, feels offended by the acknowledgment that there are others whose opinion, and even whose wish, is entitled to a greater amount of consideration than his' (Mill 1998[1861]: 335; similarly, see Estlund 1995: 71). In its effect, such a proposal reflects Aristotle's argument that only 'equals' should be treated equally (e.g., Aristotle, 2000[350 BC]: Bk. V, 1131a-1133b).

3. *Partisan*: Except when expressly authorized to do otherwise, supports the positions of the political party of which s/he is a member.[24]

Of course, representatives need not (and frequently do not) always behave solely according to the dictates of a single model.[25] However, one's decision as to which model to adopt is often significantly influenced by the type of governance system within which s/he operates. For example, individuals functioning within a system in which party discipline is strictly enforced are, for practical reasons, very likely to adopt a *partisan* approach to representation. Nevertheless, despite any protestations to the contrary, all of the aforementioned approaches are intended to provide for effective representation and, by extension, political equality.

Robert Dahl has suggested that political equality in contemporary representative democracies requires that 'every citizen … have an *equal and effective opportunity to vote*, *and all votes must be counted as equal*' (Dahl 1998: 95; emphasis in original) – what is often labelled a 'procedural' or 'institutional' account of democracy. According to Dahl, adequately satisfying such criteria requires the presence of the following six political 'institutions': elected officials; free, fair, and frequent elections; freedom of expression; access to alternative (i.e., non-governmental) sources of information; associational autonomy; and inclusive citizenship (Dahl 1998: 85-87; see also 90-92[26]). Arguably, Dahl's criteria support an understanding of democratic political equality as obtaining 'when every individual potentially affected by a decision has an equal opportunity to affect the decision' in some significant sense (Warren 2002: 693; see also 694).

If one both accepts as valid the preceding depiction of the character and demands of contemporary democracy and agrees that EBP is desirable, then it seems logical to seek to determine the degree to which the realization of the latter is compatible with the former. It is to that task that I now direct my attention.

Tension(s) between Democracy and EBP

Is it possible to satisfy the demands of EBP and democracy simultaneously? The analysis offered in the preceding paragraphs suggests that any attempt to do so is likely to encounter (at minimum) a few potential difficulties. For the purposes of this examination, the focus will be two related challenges: namely, ensuring political equality and protecting the practice of majority rule. Resolving the tensions between the realization of EBP and the protection of both political equality and majority-rule decision-making is essential if one is to secure an environment that is equally hospitable to democracy and

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[24] Unsurprisingly, different variants of these labels have been employed. For example, Rand Dyck (2008: 619-20) refers to 'constituency delegates' and 'party delegates'.

[25] Tom Lansford (2007: 16-17) has suggested a model, the *Politico*, which refers to a representative who embodies the principal characteristics of both the *Delegate* and the *Trustee*, sometimes acting according to the directions of constituents, other times being guided by his/her personal beliefs about the best course of action.

[26] Dahl assigns the label 'polyarchal' democracy to those political systems that embody all six political institutions (Dahl 1998: 85-87; see also 90-92).

EBP. Accordingly, it seems appropriate to further investigate the nature of said tensions and assess the likelihood and desirability of their effective resolution.

Ensuring Political Equality

If political equality is the foundational element of democracy, then, to the extent that any activity conflicts with the realization and preservation of political equality, said activity can legitimately be considered incompatible with democracy. In turn, insofar as EBP promotes or requires the privileging of evidence over other considerations, it also provides to certain individuals a degree of political influence that exceeds that available to all others. In particular, those who are responsible for the production and interpretation of 'evidence' will necessarily be more intimately involved (directly or indirectly) in the shaping of public policy than will others who are unable to engage in such activities. Hence, *prima facie*, the pursuit of EBP could be understood to be incompatible with democracy.

Of course, it might be argued that the validity of such a conclusion is dependent upon how one defines 'evidence'. As already noted, numerous different conceptions of 'evidence' have been proposed, certain of which seem to capture information beyond that traditionally associated with the term 'evidence' and, in so doing, expand the number of individuals who could reasonably be understood to constitute producers and interpreters of 'evidence'. Hence, one can imagine a broad definition that potentially captures a noteworthy portion of the citizenry. However, even if one employs a relatively general definition of 'evidence', it would be naive (or, worse, disingenuous) to suggest that all types of evidence will be afforded the same legitimacy or 'weight'. It does not seem unreasonable to believe that, explicitly or otherwise, hierarchies of evidence will continue to exist. In turn, it seems equally plausible to suggest that advocates of EBP will contend that 'research' evidence – 'information produced by scientists, in accordance with accepted research methodologies' (Klein 2000) – represents the 'gold standard', the preferred foundation for decisions. Assuming such a scenario obtains (and there seems little persuasive reason to assume otherwise), then, again, there will be a relatively small percentage of the citizenry that possesses a degree of potential 'political' influence that extends notably beyond that available to the remainder of their fellow citizens.

Undoubtedly, there are those who would not consider such a situation to be problematic; indeed, following Mill (and numerous others), many may identify it as the 'rational' and preferred scenario (e.g., Mill 1998[1861]: 334-41). In societies that increasingly rely upon sophisticated technology and its correspondent knowledge as the preferred – or *necessary* – means to address the most pressing public policy dilemmas, the option of deferring to 'expert knowledge' could be considered by many to be a sensible and attractive response. Such a position suggests an important connection between 'knowledge' and 'truth' on the one hand, and 'expertise' and legitimate 'authority' on the other. In so doing, it shares certain affinities with the Platonic argument that there are select individuals who are 'naturally' best suited to exercise political power, and does not deny the assumption prominent in many elitist theories of democracy that the masses are generally poorly informed about, and typically uninterested in, political matters (e.g., Posner 2003:130; similarly, see Estlund 1995: 71; and Christiano 2006). The end result is, essentially, a belief that 'knowledge justifies power' (Estlund 1995:

72).[27] In turn, it does not seem unlikely that not all would consider such an understanding to be necessarily problematic from the standpoint of political equality. In particular, insofar as citizens either willingly defer policy decisions to 'experts' or merely forsake any public concern with such decisions,[28] any resulting political inequality could be claimed to be voluntarily accepted and, consequently, unproblematic.

However, for a number of reasons, any systemic, officially legitimized affirmation of such a position is unlikely to be acceptable to all concerned. The ineliminable plurality of frequently competing, conflicting and incommensurable viewpoints present among the citizens of contemporary liberal democracies (e.g., Rawls 2001: 3-4) assures that there will always be a certain percentage of citizens that will protest any official attempt to entrench such deference, arguing that it unacceptably belittles the value of their opinions and thereby undermines the 'democratic' equality they experience. Moreover, even if one were to disregard such objections as the griping of unenlightened malcontents, deluded egotists, or fanatics,[29] a substantial related problem remains: namely, effectively operationalizing the privileging of 'expert knowledge' requires first securing a broad public agreement regarding who qualifies as an 'expert'.

If, as a matter of (legitimate) official standard practice, 'experts' are to possess 'privileged' influence in terms of determining the character of *public* policy, then all who are required to respect the resulting policies (or, at minimum, a 'substantial majority' of the citizenry [e.g., Rawls 2001: 34; and Rawls 1996: 38]) must agree upon the specific attributes of an 'expert' in order to satisfy the criterion that all citizens freely and willingly support the terms of political association under which they live – arguably, a fundamental element of the contemporary understanding of democratic political equality. Yet, as already noted, securing any such consensus is *extremely* unlikely (to be generous). Additionally, even if one could secure the necessary agreement on a generic definition of 'expert', the concrete application of that definition is likely to generate disputes that would critically undermine the agreement. Moreover, supposing – for the sake of argument – the necessary consensus could be achieved and its continuation were not threatened by the aforementioned problem of application, such a fact is no guarantee that the required number of citizens will *faithfully* continue to support *that* understanding of 'expert'. Surely, history demonstrates the fluid character of 'prevailing' opinion and suggests that it is too fickle a basis upon which to premise citizens' *ongoing* support for a particular policy position or determination.[30] As was observed long ago by Machiavelli

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[27] Unlike many who affirm such a position, Mill believes that democracy *genuinely* benefits citizens at both the individual and the societal level.

[28] Arguably, the empirical evidence concerning voter turnout suggests that there are likely many individuals who, for one reason or another, do not voluntarily concern themselves publicly with policy decisions (e.g., Piven and Cloward 2000) – though, a failure to vote does not necessarily indicate an absence of concern.

[29] John Rawls and others have suggested that it is not necessary to secure the support of 'unreasonable' people (e.g., Rawls, 1996: xix, 64n19), such as those who 'reject the essentials of a democratic regime' (e.g., Rawls, 1996: xviii).

[30] I would suggest that, to a lesser but still problematic degree, 'expert' opinion is similarly flawed.

(1995[1515]: 20), 'People are by nature inconstant. It is easy to persuade them of something, but it is difficult to stop them from changing their minds'.

Given the unavoidable and ineliminable heterogeneity and fluidity of human opinion, it seems improbable – indeed, implausible – to suggest that all (or even the majority of) 'reasonable' people will voluntarily endorse *and* reliably affirm any single understanding of 'expert' and its associated demands. In the absence of such perpetual homogeneity, there can be no adequate assurance that the public policies produced by a process that privileges 'expert knowledge' equally respect the opinions of all (reasonable) citizens and thereby effectively embody political equality. In turn, it is the inability to secure such perpetual homogeneity, coupled with the requirement of political equality, which generates the need for majority-rule decision-making procedures.

Protecting the Practice of Majority Rule

More than 300 years ago John Locke noted that in a voluntary association comprised of a multitude of people with differing views, one must necessarily defer to majority-rule decision-making: 'For if the consent of the majority shall not in reason be received as the act of the whole, and conclude every individual, nothing but the consent of every individual can make anything to be the act of the whole, … and [given] the variety of opinions and contrariety of interests which unavoidably happen in all collections of men, … [such consent] is next impossible ever to be had' (Locke 1988[1698]: Bk. II, chp. VIII, sec.98). Similarly, Thomas Jefferson argued that 'the *lex majoris partis* [i.e., the law of the majority] is the fundamental law of every society of individuals of equal rights' (quoted in Hampsher-Monk 1993: 228). For Locke, Jefferson, and others, the idea of 'legitimate government' and the practice of majority-rule decision-making are inextricably connected. Of course, the practice of majority-rule decision-making need not be accompanied by a democratic form of government, nor vice versa. Nevertheless, for many, the two have become intimately intertwined – indeed, inseparable;[31] arguably, such an understanding best reflects that embraced by the preponderance of citizens of contemporary liberal democracies (e.g., Sin, Dalton, and Jou 2007; Inglehart 2003).

The most obvious challenge to employing majority-rule decision-making is effectively protecting against the emergence of a 'tyranny of the majority', a problem most famously identified by Alexis de Tocqueville in his magisterial *De la démocratie en Amerique* (*Democracy in America* [1835/1840]).[32] Tocqueville emphasized three ways in which such a tyranny might emerge:

1. The formation of legislative majorities, which then use their power to overwhelm the rights of minorities.

2. Citizens ignoring their civic/democratic duties in favour of pursuing 'material pleasures', thereby providing relatively 'free reign' to elected officials.

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[31] According to one of the most famous commentators on democracy, 'The very essence of democratic government consists in the absolute sovereignty of the majority' (De Tocqueville 1988[1835]: 145).

[32] Jefferson (and others) also recognized the problem, and cautioned that in order for the will of the majority 'to be rightful, [it] must be reasonable; … the minority [must] possess their equal rights, which laws must protect and to violate which would be oppression' (quoted in Hampsher-Monk 1993: 228).

3. Citizens demanding that government restrict the freedom of individuals to act and think 'differently'– the protection of mediocrity (De Tocqueville 1988[1835]: 145-58).

According to Tocqueville, the danger of a democratic tyranny of the majority is greatest with respect to the emergence and actions of legislative majorities (e.g., De Tocqueville 1988[1835]: 145 and 158). John Stuart Mill, an eloquent and passionate defender of representative democracy, was also immensely concerned with the possible emergence of such tyranny. However, arguably, for Mill, the greatest danger was society:

> Like other tyrannies, the tyranny of the majority was at first, and is still vulgarly, held in dread, chiefly as operating through the acts of the public authorities. But reflecting persons perceived that when society is itself the tyrant – society collectively over the separate individuals who compose it – its means of tyrannizing are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates; and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself (Mill 1998[1869]: 8-9).

Typically, attempts to prevent the emergence of a tyranny of the majority have taken the form of various legislative and institutional 'checks and balances', such as the legal entrenchment of a written constitution (ideally including or accompanied by a bill of rights), a separation of governmental powers (e.g., an independent executive, legislature, and judiciary), an 'open and free' competitive electoral system complemented by regular elections, etc. The concern with protecting 'minority rights' continues to occupy a very prominent place in most contemporary understandings of democracy and, throughout the course of the preceding decades, has motivated increasingly sensitive legislative efforts to effect such protection (e.g., Sin, Dalton, and Jou 2007).[33]

Unsurprisingly, the 'tyranny of the majority' problem poses a significant danger to the realization of EBP in an environment of majority-rule decision-making. Legislative and/or societal majorities could decide that evidence should play little or no role in the development of public policy. Indeed, democratic majority-rule decision-making could easily produce policy direction that runs contrary to the conclusions of the 'best available evidence'. Of course, safeguards against such a development could be established. For example, the requirement that policy decisions reflect the conclusions of the best available evidence could be legislatively mandated. However, given what has already been noted about the ineliminable plurality of competing and conflicting opinion and the subsequent problems of definition, such a proposal would likely prove extremely contentious and its implementation immensely problematic. Moreover, if (as has been suggested) the foremost concern is political equality, then *requiring* the use of evidence is

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[33] Of course, certain recent legislative developments (e.g., the *Patriot Act* in the United States, the *Anti-Terrorism Act* in Canada, the *Anti-Terrorism, Crime and Security Act* in the United Kingdom) might cause some to question the validity of such a claim.

legitimate only insofar as one can demonstrate that its use is essential to the realization and preservation of such equality – an extraordinarily difficult (if not impossible) task.

Does the use of majority-rule decision-making thus render the pursuit and realization of EBP a continual 'crap shoot', always subject to the vagaries of public opinion and political whim? To a significant degree, 'yes'. However, it warrants reiterating that pragmatic politicians (i.e., policy-makers) are always concerned with being re-elected and gaining or retaining political power, and the public policy development environment in contemporary industrialized democracies is such that policy-makers disregard at their peril the insights provided by 'evidence'. Whether attention to evidence is motivated by technical or political necessity, it does not seem unreasonable to suggest that few policy-makers in contemporary industrialized democracies will completely forego any *consideration* of evidence while developing public policy. Nevertheless, there can be no denying that use of majority rule decision-making can easily generate significant obstacles to the realization of EBP.

Concluding Remarks

The preceding examination suggests both that there are noteworthy tensions between the contemporary practice of democracy and efforts to realize EBP, and that it is effectively impossible to eliminate those tensions completely. Of course, neither of those conclusions is particularly insightful. However, the purpose of noting them is not some misguided belief that they constitute important discoveries, but rather to help stimulate thinking about whether the identified tensions can and/or should be resolved.

As described herein, protecting both political equality and majority-rule decision-making produces potentially significant obstacles to the realization of EBP. However, that fact need not necessarily be lamented, as is typically the position of proponents of EBP. Knowingly or otherwise, the extent to which one bemoans the inability of democracies to provide for the realization of EBP reflects a fundamental decision regarding the relative importance of protecting democratic practices. Though there might be much to be gained by ensuring that all public policy is evidence-based, doing so also entails costs. One of those costs was well articulated by Mill (among others), when he argued that, individuals – and by extension, society and humanity in general – benefit from being allowed (and, indeed, *forced*) to make decisions, especially about those matters that are of the greatest significance to them; and said benefits accrue even when the decisions made prove to be 'incorrect' (Mill 1998[1869], esp. 104-28; see also Christiano 2006).

None of the above is meant to suggest either that EBP is not a worthy goal or that it is impossible for evidence to secure primary consideration in the policy development process in contemporary liberal democracies. The argument presented in the preceding paragraphs proposes only that the legitimacy of any 'official' attempt to privilege 'evidence' and, in turn, 'expert knowledge' is conditional upon such an approach being continually approved by a 'substantial majority' of (reasonable) citizens. The principal purpose of the foregoing commentary is to suggest that the frequent inclination to curse the interference of non-evidentiary concerns warrants reconsideration. One might conclude that the 'democratic' costs of realizing EBP are a price worth paying. All that is

herein being requested is that the democratic consequences of that conclusion be more fully acknowledged.[34]

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[34] It is recognized that (unsurprisingly) there are numerous relevant arguments and rebuttals that have not been addressed in this essay. Unfortunately, constraints of time and space did not permit me to undertake a more comprehensive analysis. However, I enthusiastically welcome comments/criticisms/suggestions (shaunpyoung@rogers.com).

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